

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:20-cv-54-BO

GARRY SANDERS,

Plaintiff,

v.

SONYA ALLEN,

Defendant.

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ORDER

This cause comes before the Court on the memorandum and recommendation by United States Magistrate Judge Robert T. Numbers, II. [DE 4]. On April 1, 2020, Judge Numbers recommended that this action be dismissed. For the reasons that follow, the M&R [DE 4] is ADOPTED and this action [DE 1] is DISMISSED.

BACKGROUND

Plaintiff Garry Sanders, a recently released inmate, sues attorney Sonya Allen under 42 U.S.C. § 1983. Sanders claims that Allen, who served as his court-appointed attorney on felony charges in 2008, told him that if he pleaded guilty to the felony and agreed to serve jail time, she would resolve his pending misdemeanor charges. But when Allen was released from custody, he still had pending misdemeanor charges against him. Sanders now brings hate crime, discrimination, deception, and malpractice claims against Allen.

In April 2020, Judge Numbers entered the instant memorandum and recommendation (M&R), granting the application to proceed *in forma pauperis*, but recommending that plaintiff's case be dismissed for failure to state a claim. Plaintiff filed no specific objections to the findings of the M&R, instead submitting a list of reasons why he believes the complaint should not be dismissed. [DE 5].

DISCUSSION

A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Here, plaintiff has not specifically objected to any portion of the M&R. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the M&R is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Numbers [DE 4] is ADOPTED and plaintiff’s complaint is DISMISSED. The Clerk is DIRECTED to close the case.

SO ORDERED, this 5 day of May, 2020.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE